

**IN THE UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

**UNITED STATES OF AMERICA)
PLAINTIFF)
)
v.) CASE NO. : 1:17-CR-027-JPJ-PMS
)
**JOEL A. SMITHERS)
DEFENDANT)****

MOTION FOR CONTINUANCE

COMES NOW the Defendant, Joel A. Smithers, by and through counsel, and moves this Honorable Court for a continuance of his case currently set to begin on October 29, 2018. The Defendant bases his motion on the amount of discovery provided to the Defendant and the time necessary to prepare his case. In addition, the Defendant lives in North Carolina and is currently working two full time jobs and a part-time job to make ends meet. In addition, it is approximately a 4 hour distance between counsel's office and the Defendant and it has proven difficult to schedule time to meet. Counsel was planning to travel to his home in North Carolina this Friday and Saturday; however, counsel's father in law passed away Sunday August 26, 2018. Counsel is going to have to cancel meeting on Friday, but is going to attempt to travel to meet on Saturday September 1st. Counsel does not feel that he can be adequately prepared to go forward on the aforementioned date and requests a continuance. Defendant is willing to sign a waiver of speedy trial form.

WHEREFORE, the Defendant Joel A. Smithers, respectfully prays that his Motion for Continuance be granted.

RESPECTUFLY SUBMITTED

JOEL A. SMITHERS

BY: /s/Don M. Williams, Jr.

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CERTIFICATE OF SERVICE

I, Don M. Williams, Jr., hereby certify that I have this the 28th day of August, 2018, electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the Assistant United States Attorney.

/s/ Don M. Williams, Jr.

DON M. WILLIAMS, JR.